

Message Text

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TO ALL DIPLOMATIC POSTS

C O N F I D E N T I A L STATE 139598

FOL REPEAT USUN 1887 ACTION SECSTATE ROME DTD 14 JUN.

QUOTE

C O N F I D E N T I A L USUN 1887
DEPT. PASS ALL DIPLOMATIC POSTS

FROM US DEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONFERENCE -- CLASSIFIED SUPPLEMENT TO WEEKLY
REPORT - WEEK OF JUNE 6-10, 1977

1) SUMMARY: IT IS TOO EARLY TO TELL WHETHER THE STRONG U.S.
STATEMENT ON FRIDAY, COMBINED WITH A SHARP MODERATE/RADICAL
SPLIT IN THE G-77, WILL PRODUCE THE DESIRED BREAKTHROUGH ON
TERMS ACCEPTABLE TO US. IF PROGRESS IS TO BE MADE ON COMMITTEE I
ISSUES, MEANS MUST BE FOUND, THROUGH EVENSEN OR OTHERWISE,
TO ALLOW REAL NEGOTIATION IN SMALL AND INFORMAL SETTINGS.
EVENSEN, HIMSELF, WILL BE IN MOSCOW UNTIL THURSDAY, JUNE 16,
AND THE QUESTION OF HIS CONTINUING ROLE, IF ANY, MAY
BE HELD IN ABEYANCE UNTIL THEN. IT IS OUR ESTI-
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MJSION THAT THE ELEMENTS FOR A REAL NEGOTIATION
IN COMMITTEE I MAY BE PRESENT, DESPITE THE MANY
CRITICISMS DIRECTED AT THE EVENSEN TEXT. THE PRO-
CEDURAL MEANS TO BRING ABOUT A REAL NEGOTIATION
REMAIN TO BE DEFINED. END SUMMARY.

2) COMMITTEE I - AT WEEK'S END, PROSPECTS FOR

SUCCESSFUL RESOLUTION OF THE COMMITTEE I IMPASSE ARE UNCERTAIN.
THIS UNCERTAINTY IS BOTH SUBSTANTIVE AND PROCEDURAL.

A. EVENSEN'S SECOND DRAFT TEXT OF ARTICLES
DEALING WITH THE SYSTEM OF EXPLOITATION WAS STRONGLY
CRITICIZED BY MAJOR DEVELOPED COUNTRIES (E.G., US
UK, FRG AND FRANCE) AND BY A RANGE OF G-77 SPOKESMEN
(E.G., BRAZIL, PERU, MAURITIUS, ALGERIA). THE
G-77, IN A DEVELOPMENT THAT SOME CLAIMED WAS WITHOUT
PRECEDENT, FAILED TO AGREE UPON A GROUP POSITION
ON THE DRAFT EVENSEN TEXT. THIS MODERATE-RADICAL
SPLIT REFLECTED ITSELF IN THE REMARKS OF G-77
DELEGATES. A PARTICULARLY FIRM US STATEMENT DELI-
VERED BY AMB. RICHARDSON ON FRIDAY AFTERNOON HAD A
SOBERING EFFECT ON THE PROCEEDINGS, BUT BY THE END
OF THE SATURDAY MORNING SESSION, DID NOT APPEAR TO
HAVE PRECIPITATED G-77 UNITY IN OPPOSITION TO THE
EVENSEN APPROACH. ONLY THE USSR AND MEMBERS OF THE EASTERN
BLOC INDICATED A WILLINGNESS TO ACCEPT THE EVENSEN COMPROMISE
PACKAGE IN ITS CURRENT FORM THE USSR JOINED
CANADA AND THE G-77 IN URGING, HOWEVER, THAT THE
CEILING ON SEABED NICKEL PRODUCTION BE SET AT 50 PERCENT
OF THE PROJECTED GROWTH SEGMENT, NOT 75 PERCENT.

B. THE PRC LEVELED THE SHARPEST ATTACK ON THE
EVENSEN TEXT. IN A HIGHLY POLEMICAL STATEMENT, THE
PRC REJECTED ANY SUGGESTION OF A PARALLEL SYSTEM OF
EXPLOITATION AS FAVORED BY THE US. ALGERIA AND
ECUADOR ALSO INSISTED ON REVISION OF THE EVENSEN TEXT
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TO REFLECT THE G-77'S PREFERENCE FOR A UNITARY SYSTEM
IN WHICH THE AUTHORITY WOULD HAVE WIDE DISCRETIONARY
POWER TO REGULATE SEABED MINING. MEXICO, INDIA AND
SINGAPORE WERE LEADING PROPONENTS OF A MORE MODERATE
DEVELOPING COUNTRY VIEW, ADVOCATING A "DUAL CON-
VERGING SYSTEM", COMBINING DIRECT STATE PARTY ACCESS
WITH MANDATORY JOINT VENTURES BETWEEN THE ENTER-
PRISE AND STATE ENTITIES. HIS LATTER VIEW PRE-
SUMES THAT AFTER 20-25 YEARS, THE SYSTEM WOULD EVOLVE
INTO A UNITARY JOINT VENTURE SYSTEM.

C. PROCEDURES FOR COMMITTEE I IN THE REMAINING
WEEK OF THE SESSION HAVE NOT BEEN SET. EVENSEN
GAVE A NEW REVISION OF HIS TEXT TO PAUL ENGO, THE
CHAIRMAN OF COMMITTEE I, ON SATURDAY, JUNE 11, ON
A CONFIDENTIAL BASIS. ENGO PURPORTEDLY PLANS TO
KEEP THE EVENSEN REVISED TEXT CONFIDENTIAL FOR AN
UNSPECIFIED PERIOD OF TIME. ENGO WILL ADDRESS A
FORMAL MEETING OF COMMITTEE I ON TUESDAY, JUNE 14,

TO URGE THAT THE COMMITTEE BEGIN WORK ON SO-CALLED INSTITUTIONAL ARRANGEMENTS (STRUCTURE OF, AND VOTING IN, THE ORGANS OF THE AUTHORITY). ALSO, ENGO IS CONVENING A TASK GROUP (INCLUDING THE U.S., MEXICO AND INDIA) TO EXAMINE FINANCIAL ARRANGEMENTS BETWEEN THE AUTHORITY AND SEABED MINERS.

D. WE ANTICIPATE THAT THE EVENSEN REVISED TEXT WILL CONTAIN SUBSTANTIAL IMPROVEMENTS WITH REGARD TO THE QUOTA OR ANTI-MONOPOLY ISSUE, AS WELL AS IN THE ANNEX PROVISIONS GOVERNING THE NEGOTIATIONS AND AWARD OF CONTRACTS FOR SEABED MINING. WHEN AND HOW THESE IMPROVEMENTS WILL BE DISCLOSED TO THE CONFERENCE IS AN OPEN QUESTION. IT IS IMPORTANT THAT, IN THEIR GENERALLY CRITICAL STATEMENTS, NEITHER THE DEVELOPED COUNTRIES NOR THE G-77, REJECTED EVENSEN AS MEDIATOR, OR HIS TEXT IN ITS ENTIRETY.
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3) COMMITTEE II - COMMITTEE II COMMENCES ITS WORK ON JUNE 13. WE EXPECT THE WORKING GROUPS OF LAST SESSION TO BE REACTIVATED, AT LEAST ON THE STATUS OF THE ECONOMIC ZONE, CONTINENTAL SHELF AND REVENUE SHARING, LANDLOCKED STATES TRANSIT RIGHTS TO THE SEA, AND DELIMITATION. THE GROUP OF 21 (LL/GDS AND COASTAL STATES) WILL CONTINUE TO FOCUS ON ACCESS OF LL/GDS TO RESOURCES IN NEIGHBORING ZONES. WE ARE WORKING TO PREVENT ANY NEGOTIATION GROUP ON STRAITS.

THE MARGINEERS MET LAST WEEK, WITH THE FOCUS ON REVENUE SHARING (WHICH CONCEPT ALL, EXCEPT AUSTRALIA, SUPPORT). ARGENTINA AND INDIA FAVOR AN LDC EXEMPTION IN ONE FORM OR ANOTHER. OTHER MEMBERS OF THE GROUP, EXCEPT THE U.S., EITHER SUPPORT THE EXEMPTION OR ARE WEAK IN OPPOSITION. IN ADDITION, THERE IS LITTLE SUPPORT FOR THE U.S. POSITION THAT THE REVENUES COLLECTED FROM MINERAL EXPLOITATION BEYOND 200 MILES GO TO INTERNATIONAL OR REGIONAL DEVELOPMENT ORGANIZATIONS RECOGNIZED BY THE U.N. FOR DISTRIBUTION TO THE LDC'S. THE OTHER MEMBERS OF THE GROUP FAVOR, OR WILL NOT REALLY OPPOSE, THE SEABED AUTHORITY AS THE RECIPIENT ORGANIZATION, ALBEIT FOR DISTRIBUTION TO LDC'S.

THE GROUP OF FIVE MET ON STRAITS AND SOUGHT AGREEMENT ON AN AMENDMENT TO ARTICLE 42, PART III (ENFORCEMENT) TO COMPLETE A PACKAGE AGREEABLE TO MALAYSIA. WHILE NO AGREEMENT HAS BEEN REACHED, PROGRESS WAS MADE. THE USSR AND UK SOUGHT TO NARROW THE U.S. ARTICLE 42

WORKED OUT IN KUALA LUMPUR IN MARCH.

WE CONTINUED OUR BILATERAL CONSULTATIONS WITH
INDONESIA ON ARCHIPELAGOES, WITH THE LATTER
CONTINUING TO PRESS AMENDMENTSS REGARDING EXEMPTING
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CIVIL OVERFLIGHT FROM ARCHIPELAGIC SEALAND PASSAGE,
LIMITING STATE AIRCRAFT TO ALTITUDE BLOCKS, INCREASING
ARCHIPELAGIC STATES RIGHTS OVER NAVIGATION AND OTHER
ITEMS OF LONG STANDING INTEREST TO THEM. WE WILL
MEET WITH THEM AGAIN ON JUNE 16.

CANADA IS WORKING ACTIVELY WITH OTHER STATES
(E.G., GREECE) THAT FAVOR EQUIDISTANCE AS THE PRIN-
CIPLE FOR DELIMITING ECONOMIC ZONES AND CONTINENTAL
SHELVES. CURRENT TEXT FAVORS EQUITABLE PRINCIPLES
AS THE BASIC RULE-. WE INFORMED THE CANADIAN DELEGATION
THAT US DEL WAS NOT REPEAT NOT RESPONSIBLE FOR THE
CURRENT TEXTS, AND DOES NOT WISH TO EXTEND BILATERAL
DELIMITATION PROBLEMS TO THE LOS CONFERENCE.

4) COMMITTEE III - A SMALL PRIVATE CONSULTING
GROUP CHAIRED BY NORWAY MET TO WORK ON POLLUTION
PROBLEMS. DISCUSSION CONCENTRATED ON ARTICLE 38 OF
PART III, THE FLAG STATE RIGHT TO PREEMPT PROSECU-
TIONS OF ITS VESSELS UNDERATKEN BY OTHERS. UK
AND US ATTEMPTED TO MOVE TOWARD A COMPROMISE WHICH
WOULD RESTRICT APPLICATION OF PREEMPTION RIGHT TO
VIOLATIONS OCCURING BEYOND 200 MILES BUT WHICH WOULD
GIVE FLAG STATE CLEAR OPPORTUNITY FOR FIRST PROSE-
CUTION. THE SOVIET UNION OPPOSED CHANGE IN
THIS ARTICLE, HOWEVER, AND CHANGES TO POLLUTION TEXT
IN GENERAL. IF SOVIET ATTITUDE CONTINUES, IT MAY
WELL BE DIFFUCULT TO ACHIEVE ANY CHANGES IN MARINE
POLLUTION TEXT, EVEN ON NON-CONTROVERSIAL POINTS.

ON SCIENTIFIC RESEARCH, SOVIETS HAVE REJECTED
U.S. POSITION AND HAVE CONTINUED TO PUSH FOR COM-
PLETELY DISCRETIONARY COASTAL STATE CONSENT REGIME.
U.S. CONTINUES TO STRESS NECESSITY OF CHANGES IN
OUR DIRECTION IN RSNT, I.E., TO
NARROW, RATHER THAN BROADEN, THE SCOPE FOR DIS-
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CRETIONARY CONSENT. WIDESPREAD EXPRESSION OF THIS

POINT SEEMS BEST METHOD OF PERSUADING PRESIDENT
AMERASINGHE AND OTHERS THAT CHANGES MUST BE MADE
BEFORE CONSOLIDATED TEXT ISSUED. COMMITTEE III ITSELF
IS DIFFICULT FORUM TO ACHIEVE CHANGES GIVEN SOVIET
ATTITUDE AND THEIR INFLUENCE WITH CHAIRMAN YANKOV
(BULGARIA).
LEONWRD

UNQUOTE CHRISTOPHER

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